

REMARKS

Please cancel claims 11-23, without prejudice. In this Response, claims 24-38 are added. Applicants respectfully request reconsideration of the application in view of the above amendments and remarks made herein.

I. Rejections Under 35 U.S.C. § 112

Claims 17 and 19 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, for the reasons set forth on pages 2-4 of the Office Action. In this Response, claims 17 and 19 are canceled.

II. Rejections Under 35 U.S.C. § 102

Claims 11-16 and 19-23 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,698,020, issued to *Zigmond et al.* (hereinafter "*Zigmond*"), for the reasons set forth on pages 4-10 of the Office Action. Claims 11-23 are canceled in this Response.

With regard to *Zigmond*, Applicants note that it discloses techniques for selecting and inserting advertisements into a video programming feed at the household level. In *Zigmond*, an advertisement insertion device replaces one advertisement with another advertisement within a transmitted video program, according to advertisement selection criteria combined with viewer and system information. The start of an ad to be replaced can be indicated by a designated signal encoded in the transmitted video program. Alternatively, the start of the ad to be replaced can be determined by convention pattern recognition methods (e.g., col. 8, lines 39-54).

However, *Zigmond* does not teach "determining when one of said undesirable program sections starts and ends, said determination comprising automatically comparing said program sequence while being transmitted with a plurality of program sections stored in a database, said program sections stored in said database corresponding to previously identified undesirable program sections" as in claim 24. Therefore, for at least this reason, *Zigmond* does not anticipate claim 24.

III. Rejections Under 35 U.S.C. § 103

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Zigmond*, as applied to claim 11, in view of U.S. Patent No. 6,483,987, issued to *Goldschmidt Iki e. al.* (hereinafter "*Goldschmidt*"), and further in view of U.S. Patent No. 6,184,937, issued to *Williams et al.* (hereinafter "*Williams*"), for the reasons set forth on pages 11-12 of the Office Action. Claim 18 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Zigmond* in view of *Goldschmidt*, for the reasons set forth on pages 12-13 of the Office Action. In this Response, claims 17 and 18 are canceled.

With regard to *Goldschmidt*, it discloses a method and apparatus for recording program data without commercials. For example, *Goldschmidt* discloses methods to identify the start of a commercial at col. 5, lines 44-65, col. 6, lines 45-65, and col. 7, lines 9-29. With regard to *Williams*, it discloses a system and method of altering the audio portion of a live television broadcast signal, including modifications to attributes such as volume, tone, pitch, synchronization, echo, reverberation, and frequency profile. It is respectfully submitted that neither *Goldschmidt* nor *Williams* teaches or suggests "determining when one of said undesirable program sections starts and ends, said determination comprising automatically comparing said program sequence while being transmitted with a plurality of program sections stored in a database, said program sections stored in said database corresponding to previously identified undesirable program sections" as in claim 24.

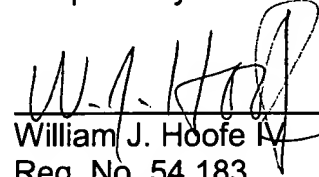
Therefore, for at least the above reasons, claim 24 is patentable and non-obvious over the combination of *Zigmond*, *Goldschmidt* and *Williams*.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

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